

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
JOANNE HOEPER, State Bar #114961  
Chief Trial Attorney  
ROBERT A. BONTA State Bar #202668  
KIMBERLY A. BLISS, State Bar #207857  
Deputy City Attorneys  
Fox Plaza  
1390 Market Street, Sixth Floor  
San Francisco, California 94102-5408  
Telephone: (415) 554-3861  
Facsimile: (415) 554-3837  
E-Mail: kimberly.bliss@sfgov.org

Attorneys for Defendants CITY AND COUNTY  
OF SAN FRANCISCO, OFFICER MILEN BENEGAS  
AND OFFICER CONROY TAM

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW MATTINGLY,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, SFPD, SF SHERIFF  
DEPT., OFCR MILEN S. BREWSTER,  
OFCR TAM, DOES 1-100,

Defendants.

Case No. C 10 0193 JL

**STIPULATED AND ~~PROPOSED~~  
ORDER:**

**1) CONTINUING DEADLINE TO  
CONDUCT MEDIATION TO AUGUST  
23, 2010**

**AND**

**2) CONTINUING FURTHER CMC  
FROM AUGUST 11, 2010 TO  
SEPTEMBER 8, 2010**

On April 9, 2010, the Court referred the parties to court-sponsored mediation, which was to be conducted pursuant to Local ADR Rule 6-4 on or before July 12, 2010.

On May 17, 2010, the parties held a phone conference with the mediator, who informed them that he will be unavailable from June 23 to July 12, and for the last week of July.

Although the parties have been diligently pursuing the limited discovery necessary to complete the mediation, it appears they will be unable to complete that discovery on or before June 23, 2010. Prior to the mediation, the parties wish to complete the depositions of the Plaintiff and the

two Officer defendants—Milen Benegas and Conroy Tam. Additionally, Plaintiff has served some document requests and defendants have subpoenaed Plaintiff's medical records. Plaintiff and defendants have agreed that defendants' responses to Plaintiff's document requests will be due on June 11, 2010, and the parties are meeting and conferring regarding deposition dates in late June and/or early July 2010.

Accordingly, the parties and the mediator have—subject to the Court's approval—agreed to schedule the mediation for August 9, 2010 at 10:00 a.m. The parties request, however, that the Court extend the parties' deadline for completing the mediation to and including August 23, 2010 in case the need for a second session arises or an unanticipated conflict precludes the mediation on August 9, 2010.

IT IS SO STIPULATED.

Dated: May 17, 2010

DENNIS J. HERRERA  
City Attorney  
JOANNE HOEPER  
Chief Trial Attorney

By: /s/ Kimberly A. Bliss  
Kimberly A. Bliss  
Attorneys for Defendants

Dated: May 17, 2010

HELBRAUN LAW FIRM

By: /s/ David M. Helbraun\*  
David M. Helbraun  
Attorneys for Plaintiff

\*Pursuant to General Order 45, §X.B., the filer of this document attests that she has received the concurrence of this signatory to file this document.

**ORDER**

Based on the above stipulation, and for good cause appearing, the deadline to conduct a mediation in this case is continued to and including August 23, 2010. Additionally, the Further Case Management Conference scheduled for August 11, 2010 at 11:30 a.m. is CONTINUED to September 8, 2010 at 11:30 a.m. The parties shall file an updated joint Case Management Conference statement on or before September 1, 2010.

Dated:

  
HON. JAMES LARSON